

The Foreign Narcotics Kingpin Designation Act, referred to in par. (4), is title VIII of Pub. L. 106–120, Dec. 3, 1999, 113 Stat. 1626, as amended, which is classified principally to chapter 24 (§1901 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 1901 of Title 21 and Tables.

#### CODIFICATION

Section was enacted as part of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 or USA PATRIOT Act, and not as part of the Trade Sanctions Reform and Export Enhancement Act of 2000 which comprises this chapter.

#### § 7211. Technical clarification relating to provision of material support to terrorism

No provision of the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX of Public Law 106–387) [22 U.S.C. § 7201 et seq.] shall be construed to limit or otherwise affect section 2339A or 2339B of title 18.

(Pub. L. 107–56, title VIII, §807, Oct. 26, 2001, 115 Stat. 378.)

#### REFERENCES IN TEXT

The Trade Sanctions Reform and Export Enhancement Act of 2000, referred to in text, is section 1(a) [title IX] of Pub. L. 106–387, Oct. 28, 2000, 114 Stat. 1549, 1549A–67, which is classified generally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 7201 of this title and Tables.

#### CODIFICATION

Section was enacted as part of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 or USA PATRIOT Act, and not as part of the Trade Sanctions Reform and Export Enhancement Act of 2000 which comprises this chapter.

### CHAPTER 80—DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE (DTS-PO)

Sec.	
7301.	Reorganization; duties.
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#### § 7301. Reorganization; duties

##### (a) Reorganization

The Diplomatic Telecommunications Service Program Office established pursuant to title V of Public Law 102–140 shall be reorganized in accordance with this chapter.

##### (b) Duties

The duties of the DTS-PO include implementing a program for the establishment and maintenance of a DTS Network capable of providing multiple levels of service to meet the wide-ranging needs of all United States Government departments and agencies operating from diplomatic and consular facilities outside of the United States, including national security needs for secure, reliable, and robust communications capabilities.

(Pub. L. 106–567, title III, §321, as added Pub. L. 111–259, title V, §501(a)(1), Oct. 7, 2010, 124 Stat. 2736.)

#### REFERENCES IN TEXT

Title V of Public Law 102–140, referred to in subsec. (a), is Pub. L. 102–140, title V, Oct. 28, 1991, 105 Stat. 816, known as the Department of State and Related Agencies Appropriations Act, 1992, which enacted provisions listed in a table under section 269a of this title. For complete classification of title V to the Code, see Tables.

#### PRIOR PROVISIONS

A prior section 7301, Pub. L. 106–567, title III, §321, Dec. 27, 2000, 114 Stat. 2843, which related to reorganization of Diplomatic Telecommunications Service Program Office, was repealed by Pub. L. 111–259, title V, §501(a)(1), Oct. 7, 2010, 124 Stat. 2735.

#### SUSPENSION OF REORGANIZATION OF DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE

Pub. L. 107–108, title III, §311, Dec. 28, 2001, 115 Stat. 1401, as amended by Pub. L. 107–306, title III, §351, Nov. 27, 2002, 116 Stat. 2401; Pub. L. 108–177, title III, §371, Dec. 13, 2003, 117 Stat. 2627, which provided for suspension of provisions of this chapter during the period beginning on Dec. 28, 2001, and ending on the date 60 days after notification to congressional committees of termination of the operational framework for the Office, was repealed by Pub. L. 111–259, title V, §501(b)(1)(A), Oct. 7, 2010, 124 Stat. 2738.

#### REFORM OF THE DIPLOMATIC TELECOMMUNICATIONS SERVICE PROGRAM OFFICE

Pub. L. 106–113, div. B, §1000(a)(7) [div. A, title III, §305], Nov. 29, 1999, 113 Stat. 1536, 1501A–435, which related to additional resources for and improvement of the Diplomatic Telecommunications Service Program Office and required submission of a report on improving management to congressional committees not later than Mar. 31, 2000, was repealed by Pub. L. 111–259, title V, §501(b)(2)(A), Oct. 7, 2010, 124 Stat. 2738.

#### § 7302. Establishment of the Diplomatic Telecommunications Service Governance Board

##### (a) Governance Board

###### (1) Establishment

There is established the Diplomatic Telecommunications Service Governance Board to direct and oversee the activities and performance of the DTS-PO.

###### (2) Executive Agent.—

###### (A) Designation

The Director of the Office of Management and Budget shall designate, from among the departments and agencies of the United States Government that use the DTS Network, a department or agency as the DTS-PO Executive Agent.

###### (B) Duties

The Executive Agent designated under subparagraph (A) shall—

- (i) nominate a Director of the DTS-PO for approval by the Governance Board in accordance with subsection (e); and
- (ii) perform such other duties as established by the Governance Board in the determination of written implementing arrangements and other relevant and appropriate governance processes and procedures under paragraph (3).

###### (3) Requirement for implementing arrangements

Subject to the requirements of this chapter, the Governance Board shall determine the

written implementing arrangements and other relevant and appropriate governance processes and procedures to manage, oversee, resource, or otherwise administer the DTS-PO.

**(b) Membership**

**(1) Selection**

The Director of the Office of Management and Budget shall designate from among the departments and agencies that use the DTS Network—

(A) four departments and agencies to each appoint one voting member of the Governance Board from the personnel of such departments and agencies; and

(B) any other departments and agencies that the Director considers appropriate to each appoint one nonvoting member of the Governance Board from the personnel of such departments and agencies.

**(2) Voting and nonvoting members**

The Governance Board shall consist of voting members and nonvoting members as follows:

**(A) Voting members**

The voting members shall consist of a Chair, who shall be designated by the Director of the Office of Management and Budget, and the four members appointed by departments and agencies designated under paragraph (1)(A).

**(B) Nonvoting members**

The nonvoting members shall consist of the members appointed by departments and agencies designated under paragraph (1)(B) and shall act in an advisory capacity.

**(c) Chair duties and authorities**

The Chair of the Governance Board shall—

(1) preside over all meetings and deliberations of the Governance Board;

(2) provide the Secretariat functions of the Governance Board; and

(3) propose bylaws governing the operation of the Governance Board.

**(d) Quorum, decisions, meetings**

A quorum of the Governance Board shall consist of the presence of the Chair and four voting members. The decisions of the Governance Board shall require a majority of the voting membership. The Chair shall convene a meeting of the Governance Board not less than four times each year to carry out the functions of the Governance Board. The Chair or any voting member may convene a meeting of the Governance Board.

**(e) Governance Board duties**

The Governance Board shall have the following duties with respect to the DTS-PO:

(1) To approve and monitor the plans, services, priorities, policies, and pricing methodology of the DTS-PO for bandwidth costs and projects carried out at the request of a department or agency that uses the DTS Network.

(2) To provide to the DTS-PO Executive Agent the recommendation of the Governance Board with respect to the approval, disapproval, or modification of each annual bud-

et request for the DTS-PO, prior to the submission of any such request by the Executive Agent.

(3) To review the performance of the DTS-PO against plans approved under paragraph (1) and the management activities and internal controls of the DTS-PO.

(4) To require from the DTS-PO any plans, reports, documents, and records the Governance Board considers necessary to perform its oversight responsibilities.

(5) To conduct and evaluate independent audits of the DTS-PO.

(6) To approve or disapprove the nomination of the Director of the DTS-PO by the Executive Agent with a majority vote of the Governance Board.

(7) To recommend to the Executive Agent the replacement of the Director of the DTS-PO with a majority vote of the Governance Board.

**(f) National security interests**

The Governance Board shall ensure that those enhancements of, and the provision of service for, telecommunication capabilities that involve the national security interests of the United States receive the highest prioritization.

(Pub. L. 106-567, title III, §322, as added Pub. L. 111-259, title V, §501(a)(1), Oct. 7, 2010, 124 Stat. 2736.)

**PRIOR PROVISIONS**

A prior section 7302, Pub. L. 106-567, title III, §322, Dec. 27, 2000, 114 Stat. 2843; Pub. L. 107-306, title VIII, §811(b)(5)(E), Nov. 27, 2002, 116 Stat. 2425, which related to personnel, was repealed by Pub. L. 111-259, title V, §501(a)(1), Oct. 7, 2010, 124 Stat. 2735.

**§ 7303. Funding of the Diplomatic Telecommunications Service**

**(a) Authorization of appropriations**

There are authorized to be appropriated such sums as may be necessary for the operations, maintenance, development, enhancement, modernization, and investment costs of the DTS Network and the DTS-PO. Funds appropriated for allocation to the DTS-PO shall remain available to the DTS-PO for a period of two fiscal years.

**(b) Fees**

The DTS-PO shall charge a department or agency that uses the DTS Network for only those bandwidth costs attributable to such department or agency and for specific projects carried out at the request of such department or agency, pursuant to the pricing methodology for such bandwidth costs and such projects approved under section 7302(e)(1) of this title, for which amounts have not been appropriated for allocation to the DTS-PO. The DTS-PO is authorized to directly receive payments from departments or agencies that use the DTS Network and to invoice such departments or agencies for the fees under this section either in advance of, or upon or after, providing the bandwidth or performing such projects. Such funds received from such departments or agencies shall remain available to the DTS-PO for a period of two fiscal years.

(Pub. L. 106-567, title III, §323, as added Pub. L. 111-259, title V, §501(a)(1), Oct. 7, 2010, 124 Stat. 2738.)

## PRIOR PROVISIONS

A prior section 7303, Pub. L. 106-567, title III, §323, Dec. 27, 2000, 114 Stat. 2845, which related to Diplomatic Telecommunications Service Oversight Board, was repealed by Pub. L. 111-259, title V, §501(a)(1), Oct. 7, 2010, 124 Stat. 2735. See section 7302 of this title.

**§ 7304. Definitions**

In this chapter:

**(1) DTS Network**

The term “DTS Network” means the worldwide telecommunications network supporting all United States Government agencies and departments operating from diplomatic and consular facilities outside of the United States.

**(2) DTS-PO**

The term “DTS-PO” means the Diplomatic Telecommunications Service Program Office.

**(3) Governance Board**

The term “Governance Board” means the Diplomatic Telecommunications Service Governance Board established under section 7302(a)(1) of this title.

(Pub. L. 106-567, title III, §324, as added Pub. L. 111-259, title V, §501(a)(1), Oct. 7, 2010, 124 Stat. 2738.)

## PRIOR PROVISIONS

A prior section 7304, Pub. L. 106-567, title III, §324, Dec. 27, 2000, 114 Stat. 2846, which related to general provisions, was repealed by Pub. L. 111-259, title V, §501(a)(1), Oct. 7, 2010, 124 Stat. 2735.

**CHAPTER 81—INTERNATIONAL CRIMINAL COURT****SUBCHAPTER I—GENERAL PROVISIONS**

Sec.

- 7401. Restriction relating to United States accession to the International Criminal Court.
- 7402. Prohibition on extradition or transfer of United States citizens to the International Criminal Court.

**SUBCHAPTER II—AMERICAN SERVICEMEMBERS’ PROTECTION**

- 7421. Findings.
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- 7426. Repealed.
- 7427. Authority to free members of the Armed Forces of the United States and certain other persons detained or imprisoned by or on behalf of the International Criminal Court.
- 7428. Alliance command arrangements.
- 7429. Withholdings.
- 7430. Application of sections 7423 and 7425 to exercise of constitutional authorities.
- 7431. Nondelegation.
- 7432. Definitions.
- 7433. Assistance to international efforts.

**SUBCHAPTER I—GENERAL PROVISIONS****§ 7401. Restriction relating to United States accession to the International Criminal Court****(a) Prohibition**

The United States shall not become a party to the International Criminal Court except pursuant to a treaty made under Article II, section 2, clause 2 of the Constitution of the United States on or after November 29, 1999.

**(b) Prohibition on use of funds**

None of the funds authorized to be appropriated by this or any other Act may be obligated for use by, or for support of, the International Criminal Court unless the United States has become a party to the Court pursuant to a treaty made under Article II, section 2, clause 2 of the Constitution of the United States on or after November 29, 1999.

**(c) International Criminal Court defined**

In this section, the term “International Criminal Court” means the court established by the Rome Statute of the International Criminal Court, adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on July 17, 1998.

(Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title VII, §705], Nov. 29, 1999, 113 Stat. 1536, 1501A-460.)

## CODIFICATION

Section was formerly set out as a note under section 262-1 of this title.

## SHORT TITLE

Pub. L. 107-206, title II, §2001, Aug. 2, 2002, 116 Stat. 899, provided that: “This title [enacting subchapter II of this chapter] may be cited as the ‘American Servicemembers’ Protection Act of 2002’.”

**§ 7402. Prohibition on extradition or transfer of United States citizens to the International Criminal Court****(a) Prohibition on extradition**

None of the funds authorized to be appropriated or otherwise made available by this or any other Act may be used to extradite a United States citizen to a foreign country that is under an obligation to surrender persons to the International Criminal Court unless that foreign country confirms to the United States that applicable prohibitions on reextradition apply to such surrender or gives other satisfactory assurances to the United States that the country will not extradite or otherwise transfer that citizen to the International Criminal Court.

**(b) Prohibition on consent to extradition by third countries**

None of the funds authorized to be appropriated or otherwise made available by this or any other Act may be used to provide consent to the extradition or transfer of a United States citizen by a foreign country to a third country that is under an obligation to surrender persons to the International Criminal Court, unless the third country confirms to the United States that applicable prohibitions on reextradition apply to such surrender or gives other satisfac-